

RESOLUTION NO. R-2003- 1283

RESOLUTION APPROVING ZONING PETITION DOA1989-044B
DEVELOPMENT ORDER AMENDMENT
PETITION OF BRCH CORP.
BY BASEHART PLANNING INC, AGENT
(TOPPEL CENTER MUPD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1989-044B was presented to the Board of County Commissioners at a public hearing conducted on August 28, 2003; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA1989-044B, the petition of BRCH Corp, by Basehart Planning Inc, agent, for a Development Order Amendment to modify/delete conditions of approval and reconfigure site plan on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on August 28, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	- Aye
Tony Masilotti, Vice Chairman	- Aye
Jeff Koons	- Aye
Warren H. Newell	- Absent
Mary McCarty	- Aye
Burt Aaronson	- Aye
Addie L. Greene	- Aye


The Chair thereupon declared that the resolution was duly passed and adopted on August 28, 2003.


Filed with the Clerk of the Board of County Commissioners on 6 day of October, 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

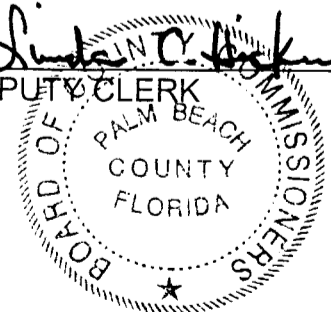


EXHIBIT A
LEGAL DESCRIPTION

TRACT 92, BLOCK 77, "THE PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 53 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 65.00 FEET THEREOF. SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL "A", "GLADES ROAD BURDINES", ACCORDING THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGES 152-153 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE NORTH 00°00'22" WEST ALONG THE EAST LINE OF SAID PARCEL "A" SAID LINE ALSO BEING THE WEST LINE OF SAID TRACT 92, A DISTANCE OF 595.18 FEET TO THE SOUTHWEST CORNER OF TRACT "B", "SAVANNAHS' PLACE", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 79, PAGES 148-149 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°59'38" EAST ALONG THE SOUTH LINE OF SAID TRACT "B" AND THE NORTH LINE OF SAID TRACT 92, A DISTANCE OF 330.00 FEET; THENCE SOUTH 00°00'22" EAST , ALONG THE EAST LINE OF SAID TRACT 92 A DISTANCE OF 595.18 FEET TO A POINT ON A LINE 65.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 92; THENCE SOUTH 89°59'38" WEST ALONG SAID PARALLEL LINE SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF GLADES ROAD (STATE ROAD 808) A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA CONTAINING 4.5089 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

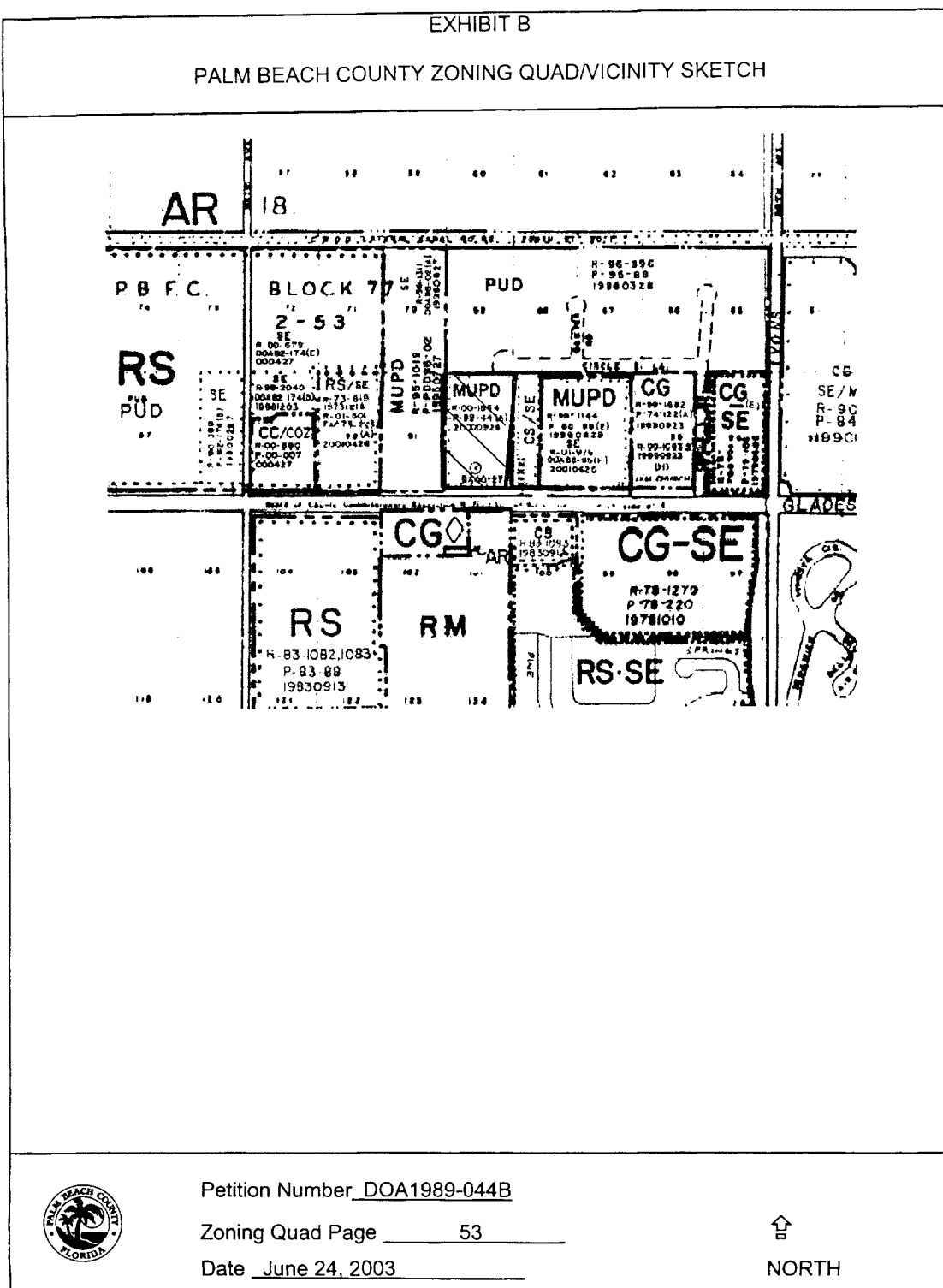


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-2000-1564, Petition 1989-044(A), which currently states:

Resolution R-89-1623 adopted September 12, 1989 approving a special exception to permit a Planned Office Business Park is hereby repealed. (1.78 acre parcel) (MINUTES-Zoning)

Is hereby deleted. REASON: [Resolution cannot be abandoned by a condition, abandoned by separate resolution].

2. Condition A.2 of Resolution R-2000-1564, Petition 1989-044(A), which currently states:

Resolution R-89-2214 adopted December 12, 1989 approving a special exception to permit a Planned Office Business Park is hereby repealed. (2.73 acre parcel) (MINUTES-Zoning)

Is hereby deleted. REASON: [Resolution cannot be abandoned by a condition, abandoned by separate resolution].

3. Condition A.3 of Resolution R-2000-1564, Petition 1989-044(A), which currently states:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved plan is dated July 28, 2000. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRC: ZONING)

Is hereby amended to read:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved plan is dated June 11, 2003. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRC: ZONING-Zoning)

4. The petitioner shall have three (3) years from adoption of the resolution approving Petition 1989-044B to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING-Zoning)

B. ARCHITECTURAL CONTROL

1. **Similar architectural character and treatment, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the building. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.1 of Resolution R- 2000-1564, Petition 1989-044(A))**

2. Condition B.2 of Resolution R- 2000-1564, Petition 1989-044(A), which currently states:

Prior to final DRC certification of the site plan, the petitioner shall submit architectural elevations to the Zoning Division for review. Development shall be consistent with the approved architectural elevations.

Is hereby amended to read:

At time of submittal for final Development Review Committee (DRC) approval, the architectural elevations shall be submitted simultaneously with the site plan for final architectural review and approval for the bank and retail buildings. Elevations shall be designed to be consistent with Sec. 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations. (DRC: ZONING – Zoning)

C. BUILDING AND SITE DESIGN

1. Condition C.1 of Resolution R-2000-1564, Petition 1989-044(A), which currently states:

Total gross floor area shall be limited to a maximum of 60,637 s.f. square feet. Expansion shall be limited to an increase of five percent (5%) of the total square footage or 1,000 square feet, whichever is less, subject to approval by Traffic Division or DRC. (DRC: ZONING)

Is hereby deleted. REASON: [Replaced by Condition A.3].

2. Condition C.2 of Resolution R-2000-1564, Petition 1989-044(A), which currently states:

The maximum height for all structures, including air conditioning, mechanical equipment, and satellite dishes shall not exceed forty-five (45) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

The maximum height for all structures, including air conditioning, mechanical equipment, and satellite dishes shall not exceed the following height:

- a. medical office building - forty-five (45) feet;
- b. all other buildings – thirty-five (35) feet; and
- c. all heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

3. **All air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning) (Previous Condition C.3 of Resolution R-2000-1564, Petition 1989-044(A))**

D. LANDSCAPING - STANDARD

1. **Fifty percent (50%) of the canopy trees required to be planted in the perimeter buffers, except the west property line, shall meet the following minimum standards at installation:**
 - a. **Tree height: fourteen (14) feet;**
 - b. **Trunk diameter: 3.5 inches measured 4.5 feet above grade;**

- c. **Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,**
 - d. **Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition D.1 of Resolution R-2000-1564, Petition 1989-044(A))**
- 2. **All palms required to be planted on site by this approval shall be Booted Sabal Palms and shall meet the following minimum standards at installation:**
 - a. **Palm heights: twelve (12) feet clear trunk;**
 - b. **Clusters: staggered heights twelve (12) to eighteen (18) feet; and,**
 - c. **Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (Previous Condition D.2 of Resolution R- 2000-1564, Petition 1989-044(A))**
- 3. All new or replacement shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. forty-eight (48) to seventy-two (72) inches – large shrub; and,
 - d. this condition does not apply to the five (5) foot wide compatibility buffer or where a single row of hedge is required on one or both sides of the wall. (CO: LANDSCAPE - Zoning)
- 4. All trees and palms in the southern buffer (western portion only) shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)
- 5. A group of three (3) or more palm or pine trees may not supersede the requirement of a canopy tree in that location, unless specified herein. This condition is applicable only to the western portion of the site. (CO: LANDSCAPE - Zoning)
- 6. All canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the Plant the Right Tree in the Right Place guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
- 7. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

- 1. Condition E.1 of Resolution R-2000-1564, Petition 1989-044(A), which currently states:

LANDSCAPE WITHIN MEDIAN OF STATE ROADS

- A.** Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Glades Road Right-of-Ways. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department latest revision to the Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.1.A of Resolution R-2000-1564, Petition 1989-044(A))
- B.** All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING-Eng) (Previous Condition E.1.B of Resolution R- 2000-1564, Petition 1989-044(A))
- C.** If the County does not assume maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a Building Permit. (BLDG PERMIT: MONITORING-Eng) (Previous Condition E.1.C of Resolution R- 2000-1564, Petition 1989-044(A))

Is hereby amended to read:

1. LANDSCAPE WITHIN THE MEDIAN OF GLADES ROAD

- a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Glades Road. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in sub paragraph d.
- b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
- c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
- d. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. NOTE: This condition also allows buyout of the median cut-out condition of approval.
- e. Alternately, at the option of the petitioner, and prior to the issuance of a Building Permit, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Glades Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended.

2. A CUTOUT AT LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF GLADES ROAD

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide cutouts within the concrete median of Glades Road Right-of-Way. As part of this permit process, the property owner shall enter into an Indemnification Agreement. When landscape cutouts and plantings are permitted, the Landscape Material within the concrete cutouts shall be approved by the County Engineer. All new landscape material shall be consistent with any landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set**

forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2.A of Resolution R-2000-1564, Petition 1989-044(A))

- B. **All required median landscaping, including an irrigation system if required, the cost of Cutting out the concrete median and the installation of the Landscape material shall be funded at the property owner's expense. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed within 90 days of the Permit issued from Palm Beach County. (ENGINEERING) (Previous Condition E.2.B of Resolution R-2000-1564, Petition 1989-044(A))**
- C. **Declaration of Covenants and Restriction Documents evidencing this obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of a building permit. (BLDG PERMIT: MONITORING - Eng) (Previous Condition E.2.C of Resolution R-2000-1564, Petition 1989-044(A))**

- 3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after January 1, 2005. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING-Eng)

- 4. Prior to approval of the Site Plan by the Development Review Committee, the property owner shall convey an access easement to the property owner to the west. Location of the access easement shall be approved by the County Engineer with the form and content of the easement approved by the County Attorney's Office. (DRC:ENG/CTY ATTY -Eng)
- 5. The Property owner shall construct a right turn lane east approach on Glades Road at the Project's Entrance.
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
 - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

6. The concurrency approval for this site is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING-ENG-Eng)

F. HEALTH

1. **Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent.** (ONGOING: HEALTH/CODE ENF-Health) (Previous Condition F.1 of Resolution R-2000-1564, Petition 1989-044(A))
2. **Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16FAC.** (ONGOING: HEALTH/CODE ENF-Health) (Previous Condition F.2 of Resolution R-2000-1564, Petition 1989-044(A))
3. **Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC.** (ONGOING: HEALTH/CODE ENF-Health) (Previous Condition F.3 of Resolution R-2000-1564, Petition 1989-044(A))

G. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (GLADES ROAD FRONTAGE)

1. **Landscaping and buffering along the south property line shall be upgraded to include:**
 - a. **a minimum twenty (20) foot wide landscape buffer strip;**
 - b. **a continuous two and half (2.5) foot high berm measured from top of curb;**
 - c. **one (1) canopy tree planted every thirty (30) feet on center;**
 - d. **one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,**
 - e. **twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches.** (CO: LANDSCAPE-Zoning) (Previous Condition G.1 of Resolution R-2000-1564, Petition 1989-044(A))

Is hereby amended to read:

Landscaping and buffering along the south property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip;
- b. a continuous two and half (2.5) foot high berm measured from top of curb, and to be installed along the western portion of the buffer only;
- c. one (1) canopy tree planted for each thirty (30) linear of the property line;
- d. one (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; and,
- e. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;

- f. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. one (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation
- h. existing shrubs in the eastern portion of the buffer shall be exempt from Condition D.3. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ADJACENT TO RESIDENTIAL –EASTERN PORTION OF THE SITE)

Condition H.1 of Resolution R-2000-1564, Petition 1989-044(A), which currently states:

- 1. **Landscaping and buffering along the north property line shall be consistent with the Variance approval, BA200027 and shall include:**
 - a. **a minimum five (5) foot wide landscape buffer strip;**
 - b. **a six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,**
 - c. **along the exterior and interior sides of the wall, twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)**

Is hereby amended to read:

Landscaping and buffering along the eastern portion of the north property line of the site shall be consistent with the Variance approval, BA200027 and shall include:

- a. a minimum five (5) foot wide landscape buffer strip;
- b. a six (6) foot high opaque concrete wall. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure; and,
- c. along both sides of the wall, twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE-Zoning)

I. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ADJACENT TO RESIDENTIAL – WESTERN PORTION OF THE SITE)

- 1. Landscaping and buffering along the western portion of the north property line shall be upgraded to include:
 - a. a minimum fifteen (15) foot wide landscape buffer strip;
 - b. one (1) canopy tree planted for each twenty (20) linear feet of the affected portion of the property line;
 - c. one (1) palm or pine tree for each thirty (30) linear feet of the affected portion of the property line with a maximum spacing of sixty (60) feet between clusters; and
 - d. one (1) large shrub for each two (2) linear feet of the affected portion of the property line. Shrub shall be a minimum height of forty-eight (48) inches at installation, and shall be maintained at a minimum height of seventy-two (72) inches at maturity. (CO:LANDSCAPE-Zoning)

J. LANDSCAPING ALONG THE WEST PROPERTY LINE (ADJACENT TO COMMERCIAL)

1. **Landscaping and buffering along the west property line shall be consistent with the alternative buffer (Variance approval, BA200027) and shall include:**
 - a. **a minimum five (5) foot wide landscape buffer strip;**
 - b. **Sabal Palms with staggered heights planted in clusters of three (3) and at thirty (30) feet on center;**
 - c. **twenty-four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches (CO: LANDSCAPE-Zoning) (Previous Condition I.1 of Resolution R-2000-1564, Petition 1989-044(A))**

K. LANDSCAPING - INTERIOR

1. **A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING-Zoning) (Previous Condition J.1 of Resolution R-2000-1564, Petition 1989-044(A))**

2. Condition J.2 of Resolution R-2000-1564, Petition 1989-044(A), which currently states:

All foundation planting shall be consistent with the variance approval BA200027 dated May 18, 2000. (DRC: ZONING-Zoning)

Is hereby amended to read:

All foundation planting for the Medical office building shall be consistent with the Variance approval BA200027 dated May 18, 2000. (DRC: ZONING-Zoning)

3. Foundation planting or grade level planters shall be provided along all sides of the retail/bank structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be five (5) feet along the north, east and west facades, and a minimum of eight (8) feet along the south facade;
 - b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE - Zoning)

L. LANDSCAPE ALTERNATIVE PLAN

1. **Prior to final Development Review Committee (DRC) certification, an Alternative Landscape Plan shall be submitted showing landscaping consistent with the Variance approval, BA 200027 dated May 18, 2000. (DRC: LANDSCAPE-Zoning) (Previous Condition L.1 of Resolution R-2000-1564, Petition 1989-044(A)) NOTE: This condition only applies to the eastern portion of the site and the western buffer.**

2. Prior to final approval of the site plan by the Development Review Committee (DRC), an Alternative Landscape Plan shall be submitted for landscaping along the north property line of the western portion of the property and/or any portion of the property where existing vegetation or easements may affect the proposed landscaping. (DRC: LANDSCAPE - Zoning)
3. Prior to final approval of the site plan by the Development Review Committee (DRC), the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE - Zoning)

M. LIGHTING

1. **All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets and the minimum necessary to satisfy the Palm Beach County Security Code.** (CO/ONGOING: BLDG/CODE ENF - Zoning) (Previous Condition L.1 of Resolution R-2000-1564, Petition 1989-044(A))
2. **All outdoor lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point.** (CO: BLDG - Zoning) (Previous Condition L.2 of Resolution R-2000-1564, Petition 1989-044(A))
3. **All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only.** (ONGOING: CODE ENF-Zoning) (Previous Condition L.3 of Resolution R-2000-1564, Petition 1989-044(A))
4. **The lighting conditions above shall not apply to proposed security lights or low voltage landscape/accent type lights used to emphasize plant material.** (ONGOING: CODE ENF-Zoning) (Previous Condition L.4 of Resolution R-2000-1564, Petition 1989-044(A))

N. MASS TRANSIT

1.
 - a. **Prior to final certification of the site plan by the Development Review Committee, the petitioner shall amend the plan to indicate one or more of the following: mass transit access, mass transit shelter(s) and/or a bus stop(s) on or adjacent to the subject property, if required by the Palm Beach County School Board and/or the County Engineer.** (DRC: ZONING-Zoning) (Previous Condition M.1.a of Resolution R-2000-1564, Petition 1989-044(A))
 - b. **Mass transit access, shelters and/or bus stops, if required, shall be constructed by the petitioner in a location and manner acceptable to the Palm Beach County School Board, Palm Tran, and County Engineer prior to issuance of the first certificate of occupancy (CO). The petitioner shall accommodate the requirement for mass transit access, bus shelters and/or bus stops by dedicating additional right-of-way, if requested by the County Engineer. Provisions for mass transit shall include, at a minimum, a covered shelter, continuous paved pedestrian and bicycle access from the subject property or use to the shelter, appropriate lighting, waste container, and bicycle rack. Bus shelters or bus stops located on private property or in common areas shall be the maintenance responsibility of the property owner.** (BLDG PERMIT: MONITORING - Eng) (Previous Condition M.1.b of Resolution R-2000-1564, Petition 1989-044(A))

O. MUPD

1. **Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att) (Previous Condition N.1 of Resolution R-2000-1564, Petition 1989-044(A))**

2. Condition N.2 of Resolution R-2000-1564, Petition 1989-044(A), which currently states:

Prior to certification of the preliminary development plan by the Development Review Committee, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

Is hereby deleted. REASON: [redundant condition of Condition N.1].

3. **Prior to Site Plan Certification by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney. (ONGOING: COUNTY ATTY-Zoning) (Previous Condition P.1 of Resolution R-2000-1564, Petition 1989-044(A))**

P. PLANNING

1. Prior to final site plan certification by the Development Review Committee (DRC), the notation on the site plan showing a possible future cross access point to the parcel to the west of the site shall be amended to read "potential vehicular and pedestrian cross access to be paved to the property line". (DRC:PLANNING-Planning)
2. Prior to the issuance of a certificate of occupancy, the petitioner shall pave a vehicular and pedestrian cross access point to the edge of the western property line at the location shown on the final certified site plan that will read "potential vehicular and pedestrian cross access to be paved to the property line." (CO:MONITORING-Planning)

Q. SIGNS

1. Condition O.1 of Resolution R-2000-1564, Petition 1989-044(A), which currently states:

No new freestanding signs shall be permitted on the site. (CO: BLDG)

Is hereby amended to read:

New Freestanding point of purchase signs fronting on Glades Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. maximum sign face area per side – eighty (80) square feet;
 - c. maximum number of signs - one (1);
 - d. style - monument style only; and,
 - e. sign shall be limited to identification of tenants only.
 - f. sign shall be designed in a manner and form consistent with the existing sign of the Medical center. (CO:BLDG-Zoning)
2. Condition O.2 of Resolution R-2000-1564, Petition 1989-044(A), which currently states:

No new wall signs shall be permitted except for directional signs. (CO: BLDG)

Is hereby amended to read:

Wall signs shall be limited to south and west facades of the retail building and the south façade of the bank building. Individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to only identification of tenants only. (CO:BLDG-Zoning)

R. USE LIMITATIONS

1. **Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF - Zoning) (Previous Condition Q.1 of Resolution R-2000-1564, Petition 1989-044(A))**

S. COMPLIANCE

1. **In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning) (Previous Condition Q.1 of Resolution R-2000-1564, Petition 1989-044(A))**
2. **Failure to comply with any of the conditions of approval for the subject property at any time may result in:**
 - a. **The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or**
 - b. **The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or**
 - c. **A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or**
 - d. **Referral to code enforcement; and/or**
 - e. **Imposition of entitlement density or intensity.**

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING:MONITORING-Zoning) (Previous Condition Q.2 of Resolution R-2000-1564, Petition 1989-044(A))